



BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY
FEDERAL ENERGY REGULATORY COMMISSION

UEK Delaware L.P.

Docket No. DI12-3-000

NOTICE OF DECLARATION OF INTENTION AND
SOLICITING COMMENTS, PROTESTS, AND/OR MOTIONS TO INTERVENE

Take notice that the following application has been filed with the Commission and is available for public inspection:

- a. Application Type: Declaration of Intention
- b. Docket No: DI12-3-000
- c. Date Filed: March 5, 2012
- d. Applicant: UEK Delaware L.P.
- e. Name of Project: Indian River Inlet Hydroelectric Tidal Facility
- f. Location: The proposed Indian River Inlet Hydroelectric Tidal Facility will be located on the Indian River in Sussex County, Delaware. The United States Army Corps of Engineers designed, built, and owns the inlet channel and adjacent land.
- g. Filed Pursuant to: Section 23(b)(1) of the Federal Power Act, 16 USC 817(b).
- h. Applicant Contact: David O. Rickards, UEK Delaware L.P., 34612 Rickards Road, Frankford, DE 19945; telephone: (302) 539-9034; fax: (302) 537-2372; email: www.UEKDelaware@aol.com
- i. FERC Contact: Any questions on this notice should be addressed to Henry Ecton, (202) 502-8768, or E-mail address: henry.ecton@ferc.gov
- j. Deadline for filing comments, protests, and/or motions: May 7, 2012

All documents should be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.gov/docs-filing/efiling.asp>. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be

filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. Please include the docket number (DI12-3-000) on any comments, protests, and/or motions filed.

k. Description of Project: The proposed project uses no dam or impoundment. The proposed project would consist of: (1) twenty-five 122-inches-tall, 252-inches-wide, and 192-inches-long, bi-directional turbine generating units, with a total installed capacity of 10-megawatts, anchored to a 400-foot-long underwater cable on the channel floor; (2) a 100-foot-long transmission line, connected to the Old Dominion Electric Cooperative; and (3) appurtenant facilities. The power will be sold into an interstate grid.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the proposed project. The Commission also determines whether or not the project: (1) would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. Locations of the Application: Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene -- Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to

take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents -- Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", AND/OR "MOTIONS TO INTERVENE", as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments -- Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: April 3, 2012

Kimberly D. Bose,
Secretary.